

August 14, 2003

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

PROJECT NAME : Fort Point Channel CSO Project
PROJECT MUNICIPALITY : Boston
PROJECT WATERSHED : Boston Harbor
EOEA NUMBER : 10335
PROJECT PROPONENT : Massachusetts Water Resources
Authority (MWRA)
DATE NOTICED IN MONITOR : June 24, 2003

Pursuant to the Massachusetts Environmental Policy Act (G.L. c. 30, ss. 61-62H) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted on this project and hereby determine that it **does not require** the preparation of a Supplemental Environmental Impact Report (EIR). As discussed below, I find that the proposed changes do not result in significant environmental impacts, provided that the proponent works in good faith with the City of Boston and other interested parties to address ongoing issues regarding stormwater quality in the project area.

The project is part of a system-wide set of improvements designed to reduce (and in some cases eliminate) Combined Sewer Overflow (CSO) discharges to waterbodies in Boston, Cambridge, Chelsea, and Somerville. The CSO project completed the EIR process in 1997 with the acceptance by then-Secretary Coxe of a CSO Facilities Plan. The 1997 Facilities Plan called for an underground storage conduit as the preferred method of control for combined sewer overflows in the drainage areas for the BOS072 and BOS073 outfalls, the subject of the current NPC.

The NPC proposes elimination of the underground storage conduit and replacement with system optimization for BOS072 and sewer separation for BOS073. Based on the analysis in the NPC, the revised plan will achieve a reduction of CSO discharges at the outfalls by 87%, to approximately 400,000 gallons per year¹. The original plan projected a reduction in discharges of 80% to 1.4 million gallons per year. The revised design results in the introduction of approximately 4,400 linear feet of new storm drains in the project area.

I have received numerous comments urging me to require preparation of a Supplemental EIR for the project, or in some cases to simply "deny" the proponent's NPC. MEPA review is an informal process, which does not itself result in any formal adjudicative decision approving or disapproving a project. Under MEPA, I do not have the authority to deny proposed changes to a project. My responsibility is to ensure that the environmental consequences of any changes are clearly explained and publicly understood. Specifically, I must ensure that 1) the public has an opportunity to provide input on the proposed changes; 2) that state permitting agencies have adequate information upon which to make their permitting decisions; and 3) that any decision on a NPC be consistent with the criteria for further review described in Section 11.10 (6) of the MEPA regulations.

Upon review of the record, including the current NPC and comments received, as well the original Facilities Plan, I am satisfied that all three requirements have been met. Through the MEPA process and by the initiative of MWRA, the public has received significant opportunities to raise concerns. The Facilities Plan and NPC together include a full analysis of all feasible alternatives for CSO control in the drainage area. Based on the analysis, I find that the state permitting agencies have adequate information on which to base permit decisions, and that further MEPA review in the form of a Supplemental EIR is not warranted.

Virtually all of the comments received have noted the importance of successful stormwater management to improved water quality in Fort Point Channel. The Boston Redevelopment Authority's 2002 Watersheet Activation Plan for Fort Point Channel recommends formation of a Water Quality Task Force of municipal and state officials and other interested parties to

¹ The drainage area for the two outfalls in question has changed since 1997, as major developments in the area (most notably the Convention Center) have reduced the tributary area of the outfalls from 144 to 55 acres through non-MWRA sponsored sewer separation projects.

address ongoing stormwater management issues and make recommendations for water quality improvement.

The primary responsibility for stormwater management in the project area rests with the City of Boston, through its Water and Sewer Commission and its Conservation Commission. The Watersheet Activation Plan recognizes the primary role of the City of Boston in implementation of stormwater controls in the Fort Point Channel area. I recognize that the primary mission of the MWRA concerns water supply and wastewater, rather than stormwater. Nonetheless, the cumulative impacts on Fort Point Channel of MWRA facilities and inputs from the stormwater management system are significant and require a coordinated approach to minimize impacts and allow for maximum public use and enjoyment of the Fort Point Channel.

The MWRA must continue its coordination with municipal officials to ensure that cumulative impacts to the Fort Point Channel are minimized. MWRA has committed to participation on the Water Quality Task Force. I consider such participation as necessary mitigation for cumulative impacts from the CSO project, and I request that the MWRA amend its Section 61 Findings for the CSO project to include participation on the Task Force. I also offer the assistance and input of EOEA on the Task Force, as appropriate.

I note that the new CSO project results in faster implementation, thus bringing the benefits of CSO control to the project area sooner than anticipated in the 1997 Facilities Plan. The new plan also eliminates the need for above ground storage tanks and odor control structures, thus minimizing long-term impacts to the adjacent South Boston community. MWRA should of course work with its contractors and City officials to ensure that construction period impacts are minimized.

The NPC estimates that the revised project design results in elimination of approximately 70% of inflow sources to the sewer system. MWRA has achieved up to 90% inflow removal in other sewer separation projects, and I ask that the MWRA look towards feasible methods of increasing the rate of inflow removal in this project as the final design process progresses.

I conclude that no further MEPA review is required. The review of the NPC has served adequately to explain the environmental impacts of the proposed changes to both the public and the state permitting agencies, and to demonstrate that the impacts of those changes do not warrant the preparation of a

Supplemental EIR. The proponent should continue to work with appropriate municipal officials to address the ongoing concerns with stormwater management in the project drainage area.

August 14, 2003

DATE

Ellen Roy Herzfelder

Comments received (continues on next page):

07/03/03 Town of Arlington Board of Selectmen
07/10/03 Department of Environmental Protection Boston
07/10/03 MWRA Advisory Board
07/11/03 Boston Water and Sewer Commission
07/14/03 Division of Marine Fisheries
07/17/03 US Environmental Protection Agency
07/24/03 Sherif Nada
07/24/03 Ed Lofgren
07/24/03 Suzanne Pucker
07/24/03 Michael Rothstein
07/24/03 Phyllis Slater
07/24/03 Robert Strelitz
07/24/03 Harpoon Brewery
07/24/03 Roderick MacDonald
07/25/03 Conservation Law Foundation
07/25/03 Michael Tyrrell
07/25/03 William Peck
07/25/03 Grand Circle Corporation
07/25/03 Save the Harbor/Save the Bay
07/28/03 Lawrence DiCara
07/28/03 Kenneth Orne
07/28/03 Susan Redlich
07/28/03 Intell Management and Investment
07/28/03 Courageous Sailing Center
07/28/03 SAND
07/28/03 Kelly Goss
07/28/03 FleetBoston Pavilion
07/28/03 Keith Davison
07/28/03 Stanley Schlozman
07/28/03 Anne Lovett
07/29/03 US Postal Service
07/29/03 Seaport Hotel/World Trade Center
07/29/03 South Boston Neighborhood House

Comments received (continues on next page):

07/29/03 Federal Reserve Bank of Boston
07/29/03 James Hook & Co.
07/29/03 Boston History Collaborative
07/29/03 Stephen Kunian
07/29/03 Thomas Moloney
07/29/03 Jamy Buchanan Madeja
07/29/03 Independence Wharf
07/29/03 Historic Tours of America
07/29/03 Duane Morris
07/29/03 Tom Cox
07/30/03 Luis Ocejo
07/30/03 Susan Leff
07/30/03 William Taylor
07/30/03 The Children's Museum
07/30/03 Chris Rogers
07/30/03 MassAudubon
07/31/03 Wastewater Advisory Committee to the MWRA
07/31/03 Kathryn Cochrane Murphy
07/31/03 James Davis
07/31/03 Mobius
08/01/03 US Senator John Kerry
08/01/03 Island Alliance
08/01/03 Martin & Michele Yeeles
08/04/03 Equity Office
08/04/03 James Ansara
08/04/03 Philip Poley
08/05/03 Michael Yogman
08/06/03 New England Foundation for the Arts
08/06/03 Steffi Sommer
08/07/03 Harry McDonough Sailing Center
08/07/03 The Daily Catch
08/08/03 MA Senator John A. Hart
08/08/03 The Boston Harbor Association
08/08/03 Boston Wharf Co.
08/11/03 Goody, Clancy & Associates
08/11/03 Steve Hollinger
08/11/03 Roxbury Multi-Service Center
08/11/03 US Representative Stephen Lynch
08/11/03 The Barking Crab
08/11/03 Jason Turgeon
08/11/03 The Black Ministerial Alliance of Greater Boston, Inc.
08/11/03 MA Representative Brian Wallace
08/11/03 Four Corners Community Development Corporation
08/11/03 UMass Urban Harbors Institute
08/11/03 Piers Park Sailing Center

EOEA# 10335

Project Change Certificate

08/14/03

Comments received:

08/11/03 Janper Associates
08/11/03 Elizabeth Nicholson
08/11/03 Save the Harbor Save the Bay (with petition)
08/12/03 Boston Redevelopment Authority
08/12/03 Adaptive Environments
08/12/03 Environmental League of Massachusetts
08/12/03 Boston Environment Department

ERH/ASP/asp